

Appl. No. 10/025,922

Amdt. Dated: September 22, 2003

Reply to Office Action of: April 22, 2003

## **REMARKS**

In response to the objections raised by the Examiner under the heading Claim Objections, Claim 1 has been amended to provide a comma after support and to insert the word 'assembly' after deck in line 1. It is believed that this provides correct antecedent for the term deck assembly in the balance of the claims.

The Examiner had requested substitute claims with 1.5 or double spacing. The Applicants' copy of the claims appear to have met this requirement but in any event the claims contained in the body of the present response do meet the requirements of the USPTO in this regard.

The Examiner appears to have rejected Claims 1 through 23 on the basis of the reference to Cook U.S. Patent 5,123,135. In the Office Action at page 2, the actual rejection of the claims is not fully detailed but a review of the objections seems to suggest that each of the claims presently on file has been objected to.

Each of the claims presently on file depends either directly or indirectly from Claim 1 or Claim 16. Claim 1 recites the provision of a dock leveler with a support, a deck assembly, a deck lip, a lift mechanism, a lip operating mechanism and a latch to hold the lip in the bridging position. In the reference to Cook cited by the Examiner, there appears to be a deck with a lip 36 secured at one edge of the deck. A lift mechanism is provided to elevate the deck relative to its support and the lip 36 may be extended from the pendant to the elevated position through the mechanism shown in detail and Figures 9 and 11. In this mechanism there appears to be a plate 94 pivoted to the underside of the deck and which operates through the follower 110 to pivot the lip from the pendant to the extended position. The mechanism shown in Figure 9 therefore constitutes the lip operating mechanism recited in Claim 1.

The corresponding mechanism may be found in the specific embodiment of the present invention described in this application as the lip operating mechanism which includes the bell crank 84 operating through the link 100 on the lever 102.

However, the reference to Cook does not disclose a latch as recited in Claims 1 and 16 that holds the lip in the bridging position. In Cook there is simply disclosed the lip operating mechanism but no structure that acts to latch the lip in position once it has attained the extended position under the influence the lip operating mechanism. In the Cook reference, downward

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movement of the deck releases the tension in the chain 104 to allow pivotal movement of the arm 94 and thereby allow downward movement of the lip relative to the deck.

By contrast in the invention disclosed, the latch indicated at 120 holds the lip in the extended position even when the tension on the chain 104 is released. There is therefore no equivalent structure found in the Cook reference to perform this function.

Accordingly, it is believed that Claim 1 as presently on file clearly and patentably distinguishes over the Cook reference and as such is in condition for allowance. The Cook reference simply does not suggest the provision of a latch in addition to the lip operating mechanism to maintain the elevated position of the lip. As a practical consequence, the disposition of the lip relative to the deck in Cook appears to be dependent on the angular position of the deck assembly so that as the deck assembly is "walked down" into engagement with the truck body, there is a corresponding change in the disposition of the lip relative to the deck. In an extreme case, the lip may not engage the truck body and lead to a potentially dangerous situation. On the other hand, the provision of the latch as recited in Claim 1 of the present application ensures that the lip is maintained in the extended position once it has been moved to that position by the lip operating mechanism and will therefore remain extended as the deck is walked down. The provision of the latch mechanism therefore fulfills a function neither contemplated nor disclosed in the Cook reference and it is believed that an rejection under 35 U.S.C. 103(a) is inappropriate with respect to Claim 1 and the claims dependant thereon.

Claim 16 further recites that the latch is moved from the inactive to active position as the deck assembly approaches the elevated position. Again there is no suggestion of a latch, and no suggestion of conditioning of such a latch in the Cook reference. As such, Claim 16 and the claims dependent thereon are patentably distinguish over this reference.

Further consideration to allowances respectfully requested.

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Respectfully submitted,



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